

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 18, 2005. At the time of the Office Action, Claims 1-15 were pending in this Application. Claims 1-15 were rejected. Claims 1, 5, 8, 10 and 12-15 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-4 and 7-13 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,494,088 issued Roland Albert et al. ("Albert et al."). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the art cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Independent Claim 1 recites, among other elements "at least one pressure sensor having a connecting element which project, in the mounted state, into one of the drilled holes in the counterplate." Emphasis Added. Independent Claim 12 recites a method that includes, among other steps, mounting a counterplate such that "a connecting element of the at least one sensor projects..." into a hole drilled in the counterplate.

Examiner cites to Albert as teaching each and every element of Independent Claims 1 and 12. Albert discloses a control device for an automotive gearbox. See Col. 1, lines 15-17. More particularly, Albert discloses a pressure sensor 12 with a projection 20 that is designed to be inserted into an opening in base plate 9. See Col. 4, lines 45-65 and Figures 2 and 3.

As clearly shown in Figures 2 and 3, the pressure sensor of Albert extends only into base plate 9 and does not extend into counterplate 4.

Applicants submit that Albert teaches only providing a projection that projects into a base plate and fails to disclose, teach or suggest a connecting element that projects into a counterplate.

Accordingly, Albert fails to disclose, teach or suggest each and every element recited in Independent Claims 1 and 12. Applicants request reconsideration, withdrawal of the §102 rejections and full allowance of Independent Claims 1 and 12 and Claims 2-4, 7-11 and 13 which depend therefrom.

Rejections under 35 U.S.C. §103

Claims 5, 6, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Albert et al. in view of Applicants Admitted Prior Art ("AAPA"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Applicants submit that Claims 5, 6, 14 and 15 depend from Claims that have now been placed in condition for allowance, thereby obviating the present §103 rejections. Applicants further submit that the AAPA also fails to disclose, teach or suggest a connecting element extending into a counterplate as recited in the Independent Claims. Applicants request reconsideration, withdrawal of the §103 rejections and full allowance of Claims 5, 6, 14 and 15.

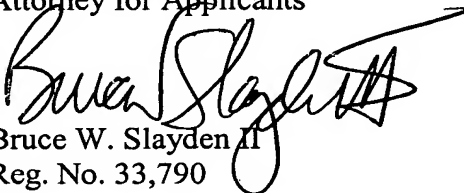
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,
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